

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION  
(Cincinnati)**

<b>JOEL MOYER, et al.</b>	:	<b>Case No. 1:01-CV-140</b>
	:	
<b>Plaintiffs,</b>	:	<b>Magistrate Judge Timothy S. Hogan</b>
	:	
<b>v.</b>	:	
	:	
<b>AMBASSADOR PROGRAMS, INC. , et al.</b>	:	<b>DEFENDANT’S MOTION TO CONTINUE SETTLEMENT CONFERENCE</b>
	:	
<b>Defendants.</b>	:	

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Defendant Ambassador Programs, Inc. moves the Court to continue the settlement conference from December 17 to December 29. Ambassador moves for two reasons: (1) to ensure Plaintiff’s Joel Moyer’s attendance; and (2) to give Ambassador more time to enlist former Defendant EIL, Ltd. into the settlement process.

On December 7, the Court signed an order moving the final pretrial conference to December 29 and setting a settlement conference for the 17<sup>th</sup>. Ambassador has learned that Plaintiff Joel Moyer has a final exam at Indiana University on December 17 and thus can’t attend the mediation. Mr. Moyer is the chief protagonist in this lawsuit. He went on the trip to the UK, stayed at Ronald Carroll’s home in Scotland, claims he was sexually assaulted by Mr. Carroll, and claims he tried to commit suicide four and a half months later as a result of the alleged assault. Mr. Moyer seeks a substantial amount of money from Ambassador. He seeks

damages for past, present, and future physical and emotional injuries. The parties cannot conduct any meaningful settlement negotiations without Mr. Moyer's personal presence.

Moreover, Ambassador will have the following individuals present at the mediation: Ralph Baard, Ambassador's Vice President from Spokane, WA; Jerry Phillips, its outside counsel from Los Angeles; and Dan Misheck, representative from Ambassador's insurance company. Given that Ambassador's folks are required to attend the conference and travel at such great distances, it's only fair that Mr. Moyer attend the conference as well.

There's another good reason to grant a short continuance. Ambassador didn't select Ronald Carroll as a homestay host. Rather, its subcontractor former Defendant EIL did. (EIL is a British company; it was dismissed for lack of personal jurisdiction because it had no contact with Ohio.) Ambassador is in the process of pursuing EIL for indemnification/contribution. EIL's participation is critical if the parties expect to close the substantial gulf that exists between them. The requested continuance will enable Ambassador to contact EIL and/or its counsel to secure EIL's participation in the settlement conference.

Ambassador proposes moving the mediation to December 29, the date of the final pretrial conference. In conclusion, the Court should reschedule the settlement conference from December 17 to December 29.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on December 13, 2004, a copy of **Defendant Ambassador Programs, Inc.'s Motion to Continue Settlement Conference** was filed with the Court's ECF system and mailed to:

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